IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s):	Jonathan Feinberg et al.	Examiner:	Omar R. Ali
Serial No. :	10/762,427	Group Art No. :	2178
Filed :	January 22, 2004		
Atty Docket :	260-007		
IBM Ref. :	LOT9-2003-0108US1		

Title : METHOD AND SYSTEM FOR SENSING AND REPORTING DETAILED ACTIVITY INFORMATION REGARDING CURRENT AND RECENT INSTANT MESSAGING SESSIONS OF REMOTE USERS

Mail Stop Appeal Brief-Patents
Commissioner for Patents
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

This Amended Appellants' brief is hereby submitted responsive to Notification of Non-Compliant Appeal Brief dated March 25, 2008, and in accordance with a Notice of Appeal filed on November 6, 2007, and responsive to the Final Office Action dated July 16, 2007. The Brief has been amended in Sections VI and VII so that previous references to claims 4-7, 13-17, and 24-27 are now to claims 4-7, 14-17, and 24-27.

I. Real Party in Interest

The real party in interest is International Business Machines Corporation.

II. Related Appeals and Interferences

Appellants are not aware of any appeals or interferences that are related to the present case.

III. Status of the Claims

This is an Appeal Brief from a decision dated July 16, 2007, finally rejecting all the claims currently pending in the present application. No claims have been allowed. Claim 32 was cancelled in an Amendment filed November 26, 2007. The currently pending claims are 1-31.

The rejections of claims 1-31 are the subject of this appeal.

A Notice of Appeal was filed on November 6, 2007.

IV. Status of Amendments

The cancellation of claim 32 was entered by the Examiner per the Advisory Action dated November 26, 2007. No amendments to the claims are made herein.

V. Summary of Claimed Subject Matter

Independent claim 1 sets forth a method for providing a local computer user with detailed activity information regarding instant messaging sessions of

remote users, including sensing, at a remote computer system, the number of instant messaging sessions associated with a user of said remote computer system, as supported on page 5, lines 10-14, page 11 line 12 through page 13 line 11, and shown in step 80 of Fig. 2. Claim 1 further sets forth conveying said number of instant messaging sessions associated with said user of said remote computer system from said remote computer system to an awareness server application process, and conveying said number of instant messaging sessions associated with said user of said remote computer system from said awareness server application to an awareness client application process executing on a local computer system, as supported in lines 15-19 of page 5, and from line 12 on page 13 through line 4 on page 15, and also shown in step 82 of Fig. 2, step 84 of Fig. 2, and step 114 in Fig. 3. In addition, claim 1 recites presenting, by said awareness client application process, said number of instant messaging sessions associated with said user of said remote computer system in a display for said local computer system, as supported from line 21 on page 4 through line 9 on page 5, and shown in step 86 of Fig. 2 and step 116 in Fig. 3. See also page 19 lines 1-6, reference number 182 in Fig. 7, and from line 21 on page 23 through line 12 on page 24.

Dependent claim 2 sets forth sensing, at said remote computer system, an activity level associated with at least one of said instant messaging sessions associated with said user of said remote computer system, as supported on page 5, lines 10-14, from page 11 line 12 through page 13 line 11, and also shown in step 80 of Fig. 2, and conveying said activity level associated with said at least one of said instant messaging sessions from said remote computer system to said

awareness server application process, as supported in lines 15-19 of page 5, and from line 12 on page 13 through line 4 on page 15, and also shown in step 82 of Fig. 2, step 84 of Fig. 2, and step 114 in Fig. 3, and presenting, by said awareness client application process, said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system in said display for said local computer system, as supported in lines 10-17 on page 25 and shown by reference number 202 in Fig. 8.

Dependent claim 3 sets forth that said presenting said number of instant messaging sessions associated with said user of said remote computer system, and said presenting said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system, includes presenting said number of instant messaging sessions associated with said remote user and said activity level associated with said at least one of said of instant messaging sessions associated with said remote user simultaneously in said display for said local computer system, as indicated by reference number 202 in Fig. 8.

Dependent claim 4 sets forth that said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent keystroke was entered by said user of said remote computer system in said at least one of said instant messaging sessions, as shown in Fig. 9 as indicated by reference number 22, and supported from line 18 on page 25 through line 2 on page 26.

Dependent claim 5 sets forth that said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent text message was received by said user of said remote computer system in said at least one of said instant messaging sessions, as supported on page 31 in lines 10-11 and indicated by reference number 450 in Fig. 19.

Dependent claim 6 sets forth that the activity level associated with said at least one of said instant messaging sessions associated with said remote user further indicates a time at which said at least one of said instant messaging sessions was initiated, as supported in lines 4-6 on page 36, and indicated by reference number 574 in Fig. 24.

Dependent claim 7 sets forth sensing, at said remote computer system, an identity of at least one other participant in at least one of said instant messaging sessions associated with said user of said remote computer system, conveying said identity of said at least one other participant from said remote computer system to said awareness server application process, and presenting, by said awareness client application process, said identity of said at least one other participant in said display for said local computer system, as also indicated by reference number 574 in Fig. 24, and supported on page 36 in lines 4-6, and as indicated by reference number 450 in Fig. 19.

Dependent claim 8 sets forth that said presenting said number of instant messaging sessions associated with said user of said remote computer system comprises presenting a modal dialog box in response to detection of a request by a

user of said local computer system for an instant messaging session with said user of said remote computer system, wherein said modal dialog box provides an interface for said user of said local computer system to provide an indication of whether to terminate said request for said instant messaging session with said user of said remote computer system, as supported from line 19 on page 24 through line 5 on page 25.

Dependent claim 9 further sets forth presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to indicate whether a number of instant messaging sessions associated with said user of said local computer system is to be shared with other users, as supported in lines 3-21 on page 26, and as shown in Fig. 10.

Dependent claim 10 further sets forth presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to specify one or more other users with which a number of instant messaging sessions associated with said user of said local computer system is to be shared, as also supported in lines 3-21 on page 26 and shown in Fig. 10.

Independent claim 11 sets forth a system for providing a local computer user with detailed activity information regarding instant messaging sessions of remote users, including means for sensing, at a remote computer system, the number of instant messaging sessions associated with a user of said remote computer system, as supported on page 5, lines 10-14, and from page 11 line 12 through page 13 line 11, and as shown in step 80 of Fig. 2. Claim 11 further sets

forth means for conveying said number of instant messaging sessions associated with said user of said remote computer system from said remote computer system to an awareness server application process, and means for conveying said number of instant messaging sessions associated with said user of said remote computer system from said awareness server application to an awareness client application process executing on a local computer system, as supported in lines 15-19 of page 5, and from line 12 on page 13 through line 4 on page 15, and as shown in step 82 of Fig. 2, step 84 of Fig. 2, and step 114 in Fig. 3. Claim 11 further sets forth means for presenting, by said awareness client application process, said number of instant messaging sessions associated with said user of said remote computer system in a display for said local computer system, as supported from line 21 on page 4 through line 9 on page 5, and as shown in step 86 of Fig. 2 and in step 116 in Fig. 3. See also page 19, lines 1-6, reference number 182 in Fig. 7, and from line 21 on page 23 through line 12 on page 24.

Dependent claim 12 sets forth means for sensing, at said remote computer system, an activity level associated with at least one of said instant messaging sessions associated with said user of said remote computer system, as supported on page 5 in lines 10-14, and from page 11 line 12 through page 13 line 11, and as shown in step 80 of Fig. 2, means for conveying said activity level associated with said at least one of said instant messaging sessions from said remote computer system to said awareness server application process, as supported in lines 15-19 on page 5, and from line 12 on page 13 through line 4 on page 15, and as shown in step 82 of Fig. 2, step 84 of Fig. 2, and step 114 in Fig. 3, means for presenting,

by said awareness client application process, said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system in said display for said local computer system, as disclosed in lines 10-17 on page 25, and as shown by reference number 202 in Fig. 8.

Dependent claim 13 sets forth means for presenting said number of instant messaging sessions associated with said user of said remote computer system, and said means for presenting said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system, comprise means for presenting said number of instant messaging sessions associated with said remote user and said activity level associated with said at least one of said of instant messaging sessions associated with said remote user simultaneously in said display for said local computer system, as shown in Fig. 8 and indicated by reference number 202.

Dependent claim 14 sets forth that said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent keystroke was entered by said user of said remote computer system in said at least one of said instant messaging sessions, as indicated by reference number 22 in Fig. 9 and supported at line 18 on page 25 through line 2 on page 26.

Dependent claim 15 sets forth that said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent text message was received by said user of

said remote computer system in said at least one of said instant messaging sessions, as supported on page 31 in lines 10-11, and indicated by reference number 450 in Fig. 19.

Dependent claim 16 sets forth that said activity level associated with said at least one of said instant messaging sessions associated with said remote user further indicates a time at which said at least one of said instant messaging sessions was initiated, as supported in lines 4-6 on page 36 and as indicated by reference number 574 in Fig. 24.

Dependent claim 17 sets forth means for sensing, at said remote computer system, an identity of at least one other participant in at least one of said instant messaging sessions associated with said user of said remote computer system, means for conveying said identity of said at least one other participant from said remote computer system to said awareness server application process, and means for presenting, by said awareness client application process, said identity of said at least one other participant in said display for said local computer system, as also indicated by reference number 574 in Fig. 24, and supported on page 36 in lines 4-6, and indicated by reference number 450 in Fig. 19.

Dependent claim 18 sets forth that said means for presenting said number of instant messaging sessions associated with said user of said remote computer system comprises means for presenting a modal dialog box in response to detection of a request by a user of said local computer system for an instant messaging session with said user of said remote computer system, wherein said modal dialog box provides an interface for said user of said local computer

system to provide an indication of whether to terminate said request for said instant messaging session with said user of said remote computer system, as supported from line 19 on page 24 through line 5 on page 25.

Dependent claim 19 further sets forth means for presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to indicate whether a number of instant messaging sessions associated with said user of said local computer system is to be shared with other users, as supported in lines 3-21 on page 26 and as shown in Fig. 10.

Dependent claim 20 further sets forth means for presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to specify one or more other users with which a number of instant messaging sessions associated with said user of said local computer system is to be shared, as also supported in lines 3-21 on page 26 and shown in Fig. 10.

Independent claim 21 sets forth a computer program product, wherein said computer program product includes a computer readable medium, said computer readable medium having a computer program for providing a local computer user with detailed activity information regarding instant messaging sessions of remote users, said computer program including program code for sensing, at a remote computer system, the number of instant messaging sessions associated with a user of said remote computer system, as supported on page 5 in lines 10-14, and from page 11 line 12 through page 13 line 11, and as shown in step 80 of Fig. 2. Claim 21 further recites program code for conveying said number of instant messaging

sessions associated with said user of said remote computer system from said remote computer system to an awareness server application process, and program code for conveying said number of instant messaging sessions associated with said user of said remote computer system from said awareness server application to an awareness client application process executing on a local computer system, as supported in lines 15-19 of page 5, and from line 12 on page 13 through line 4 on page 15, and as shown in step 82 of Fig. 2, step 84 of Fig. 2, and step 114 in Fig. 3. Claim 21 further recites program code for presenting, by said awareness client application process, said number of instant messaging sessions associated with said user of said remote computer system in a display for said local computer system, as supported from line 21 on page 4 through line 9 on page 5, and as shown in step 86 of Fig. 2 and step 116 in Fig. 3. See also page 19 lines 1-6, reference number 182 in Fig. 7, and from line 21 on page 23 through line 12 on page 24.

Dependent claim 22 sets forth program code for sensing, at said remote computer system, an activity level associated with at least one of said instant messaging sessions associated with said user of said remote computer system, as supported on page 5 in lines 10-14, and from page 11 line 12 through page 13 line 11, and as shown in step 80 of Fig. 2, program code for conveying said activity level associated with said at least one of said instant messaging sessions from said remote computer system to said awareness server application process, as supported in lines 15-19 on page 5, from line 12 on page 13 through line 4 on page 15, and as shown in step 82 of Fig. 2, step 84 of Fig. 2, and step 114 in Fig.

3, and program code for presenting, by said awareness client application process, said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system in said display for said local computer system, as disclosed at lines 10-17 on page 25 and shown by reference number 202 in Fig. 8.

Dependent claim 23 sets forth that said program code for presenting said number of instant messaging sessions associated with said user of said remote computer system, and said program code for presenting said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system, comprise program code for presenting said number of instant messaging sessions associated with said remote user and said activity level associated with said at least one of said of instant messaging sessions associated with said remote user simultaneously in said display for said local computer system, as shown in Fig. 8 and indicated by reference number 202.

Dependent claim 24 sets forth that said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent keystroke was entered by said user of said remote computer system in said at least one of said instant messaging sessions, as indicated by reference number 22 in Fig. 9 and supported from line 18 on page 25 through line 2 on page 26.

Dependent claim 25 sets forth that said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent text message was received by said user of

said remote computer system in said at least one of said instant messaging sessions, as supported on page 31 in lines 10-11 and indicated by reference number 450 in Fig. 19.

Dependent claim 26 sets forth that said activity level associated with said at least one of said instant messaging sessions associated with said remote user further indicates a time at which said at least one of said instant messaging sessions was initiated, as supported at as supported in lines 4-6 on page 36 and shown by reference number 574 in Fig. 24.

Dependent claim 27 further sets forth program code for sensing, at said remote computer system, an identity of at least one other participant in at least one of said instant messaging sessions associated with said user of said remote computer system, program code for conveying said identity of said at least one other participant from said remote computer system to said awareness server application process, and program code for presenting, by said awareness client application process, said identity of said at least one other participant in said display for said local computer system, as also shown by reference number 574 in Fig. 24 and supported on page 36 in lines 4-6, and as shown by reference number 450 in Fig. 19.

Dependent claim 28 sets forth that said program code for presenting said number of instant messaging sessions associated with said user of said remote computer system comprises program code for presenting a modal dialog box in response to detection of a request by a user of said local computer system for an instant messaging session with said user of said remote computer system, wherein

said modal dialog box provides an interface for said user of said local computer system to provide an indication of whether to terminate said request for said instant messaging session with said user of said remote computer system, as supported from line 19 on page 24 through line 5 on page 25.

Dependent claim 29 sets forth program code for presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to indicate whether a number of instant messaging sessions associated with said user of said local computer system is to be shared with other users, as supported at as supported in lines 3-21 on page 26 and shown in Fig. 10.

Dependent claim 30 sets forth program code for presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to specify one or more other users with which a number of instant messaging sessions associated with said user of said local computer system is to be shared, as also supported in lines 3-21 on page 26 and shown in Fig. 10.

Independent claim 31 sets forth a system for providing a local computer user with detailed activity information regarding instant messaging sessions of remote users, including program code, stored in a program memory communicably coupled to at least one processor in a remote computer system, operable to sense the number of instant messaging sessions associated with a user of said remote computer system, as supported on page 5, lines 10-14, and from page 11 line 12 through page 13 line 11, and s shown in step 80 of Fig. 2. Claim

31 further sets forth program code, stored in said program memory communicably coupled to said at least one processor in said remote computer system, operable to convey said number of instant messaging sessions associated with said user of said remote computer system from said remote computer system to an awareness server application process, and program code, stored in a program memory communicably coupled to at least one processor in an awareness server computer system, operable to convey said number of instant messaging sessions associated with said user of said remote computer system from said awareness server application to an awareness client application process executing on a local computer system, as supported in lines 15-19 of page 5, and from line 12 on page 13 through line 4 on page 15, and as shown in step 82 of Fig. 2, step 84 of Fig. 2, and step 114 in Fig. 3. Claim 31 further sets forth program code, stored in a program memory communicably coupled to at least one processor in said local computer system, operable to present, by said awareness client application process, said number of instant messaging sessions associated with said user of said remote computer system in a display for said local computer system, as supported from line 21 on page 4 through line 9 on page 5, and as shown in step 86 of Fig. 2 and step 116 in Fig. 3. See also page 19 lines 1-6, reference number 182 in Fig. 7, and from line 21 on page 23 through line 12 on page 24.

VI. Grounds of Rejection to be Reviewed on Appeal

A. Claims 1-3, 8-13, 18-23 and 28-31 stand rejected as anticipated under 35 U.S.C. 102(e) by U.S. patent number 6,697,840 of Godefroid et al. ("Godefroid et al.").

B. Dependent claims 4-7, 14-17, and 24-27~~4-7, 13-17, and 24-27~~ stand rejected as obvious under 35 U.S.C. 103(a) over Godefroid et al.

VII. Argument

A. Godefroid et al. does not disclose all the features of the present independent claims 1, 11, 21, and 31. Godefroid et al. accordingly does not anticipate the present independent claims 1, 11, 21 and 31 under 35 U.S.C. 102. The dependent claims 2-3, 8-10, 12-13, 18-20, 22-23 and 28-30 are patentable over Godefroid et al. for at least the same reasons.

It is well established that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Appellant asserts that the rejection of claims 1-3, 8-13, 18-23 and 28-31 under 35 U.S.C. 102 fails to meet this requirement, since Godefroid et al. does not disclose or suggest sensing of the number of instant messaging sessions of a remote user, conveying the number of remote instant messaging sessions to an awareness server process and an awareness client application process, and presenting the number of instant

messaging sessions of the remote user in a display of a local computer system, as in the present independent claims. In contrast, Godefroid et al. describes a system that provides presence information regarding a remote user, including the remote user's name and the set of users in a group chat with the remote user.

United States patent number 6,697,840 of Godefroid et al. ("Godefroid et al.")

Godefroid et al. disclose presence awareness initiatives implemented in a collaborative system that enables a user to set presence awareness policies, and that provides a reasonably high assurance that the system will correctly implement those policies. The collaborative presence awareness system of Godefroid et al. enables users to specify presence awareness policies, and includes tools to establish a level of assurance that the presence awareness system has the capability to implement correctly, substantially all possible presence awareness policies. The presence awareness policy specifications of Godefroid et al. are modular relative to the rest of the presence awareness system, and can be modified without having to modify computational modules or user interface program code of the presence awareness system. A user of the Godefroid et al. system can update his or her presence information. The Godefroid et al. system automatically collects presence information about the user and automatically updates his or her presence information. The presence awareness system of Godefroid et al. may use specification-based testing at run-time to monitor whether some users' presence awareness policies have inadvertently been violated, further strengthening the reliability of the system. See Abstract.

In column 5, lines 15-18, Godefroid et al. specifically teach that a user interface sends the messages to the rest of a presence awareness system indicating login, logout, screensaver(on), and screensaver(off) events. Further in column 5, beginning at line 19, Godefroid et al. teach that a user may inquire about the presence of other users. As described in lines 21-31 of column 5, the inquiries of Godefroid et al. may relate to a user's interest in the login status of another user, the screen saver status of another user, whether another user is in a collaborative session, the other user's indicated willingness to interact (a "door" status), access rules and settings of the other user, and the other user's calendar, location, phone number, email address, and real name (in the case of anonymous participation). For these user activities, the Godefroid et al. user interface sends check-availability (X), check-name(X), check-chatters(X) messages to the rest of the presence awareness system, and receives available(X), unavailable(X), name(real(X), pseudo(Y)), and chatters(SID, SetOfChatters) messages from the presence awareness system, where each chat session is identified by a globally unique id "SID", as described in lines 41-48 in column 5.

Claims 1-3, 8-13, 18-23 and 28-31:

Each of independent claims 1, 11, 21 and 31 include features of sensing, conveying and presenting in a computer system display a number of instant messaging sessions associated with a user of a remote computer system. None of these features are disclosed or suggested by Godefroid et al. The section of

Godefroid et al. cited by the Examiner in this regard is column 5, lines 19-46. However, this section of Godefroid et al. teaches that the Godefroid et al. system is capable of providing presence information regarding a remote user, including the remote user's name and the set of users in a group chat with the remote user. While such information may be useful to a user of the Godefroid et al. system, it does not include any indication of the number of instant messaging sessions associated with the user of a remote computer system, as in the present independent claims. In particular, Applicants note that providing an indication that a user of a remote computer system is currently participating in a group chat session, or even providing indications of the identities of the other users participating in such a group chat session, as described by Godefroid et al., does not provide the key aspect of the remote user's instant messaging activity that is expressly sensed, conveyed and presented by the present invention as expressly set forth in the independent claims: *the number of instant messaging sessions associated with the user of the remote computer system*.

Specifically, nowhere in Godefroid et al. is there disclosed or suggested any system or method for providing a local computer user with detailed activity information regarding instant messaging sessions of remote users, including sensing, at a remote computer system, ***a number of instant messaging sessions associated with a user of said remote computer system***, conveying ***said number of instant messaging sessions associated with said user of said remote computer system*** from said remote computer system to an awareness server application process, conveying ***said number of instant messaging sessions associated with***

said user of said remote computer system from said awareness server application to an awareness client application process executing on a local computer system, and presenting, by said awareness client application process, ***said number of instant messaging sessions associated with said user of said remote computer system*** in a display for said local computer system, as in the present independent claim 1. Independent claims 11, 21, 31 and 32 include analogous features. While Godefroid et al. teach receiving messages from a presence awareness system at a user interface including "available(X), unavailable(X), name(real(X), pseudo(Y)), chatters(SID,SetOfChatters)" messages, Godefroid et al. are silent with regard to how such messages are processed when received, and/or how information contained in such received messages may be presented to a user. Nothing in Godefroid et al. provides any suggestion of even the desirability of performing any sensing (e.g. counting), conveying or displaying *the number of instant messaging sessions* associated with a user of a remote computer system.

With regard to the Examiner's Response to Arguments in the Final Office Action, Applicants respectfully disagree with the assertion that the teachings in Godefroid et al. regarding allowing a user to inquire as to the presence of another user, including providing an inquiry as to whether the other user is in a collaborative session and who the other participants are in such a collaborative session are, do not provide any way of finding out *the number of instant messaging sessions associated with the remote user*, as in the present independent claims. Godefroid et al. apparently assume that a user can only be in a single session at one time, and that the session may be a collaborative one involving

multiple other users. Thus Godefroid et al. describe a system that reports whether or not a remote user is currently participating in an instant messaging session, and potentially also the identity of the other user or users with whom the remote user is chatting within a single session, which may be a group session. However, as recognized by Applicants and addressed in the presently claimed invention, a remote user may be simultaneously active in multiple, separate instant messaging sessions, and knowledge of the number of such instant messaging sessions associated with the remote user is important and useful detail information regarding the activity level of the remote user. The Godefroid et al. system cannot report the number of instant messaging sessions associated with a remote user, and accordingly fails to provide this significant advantage of the presently claimed invention as set forth in independent claims 1, 11, 21 and 31.

For these reasons, Applicant respectfully urges that all the features of each of the present independent claims 1, 11, 21 and 31 are not disclosed or suggested by Godefroid et al. The present independent claims are accordingly not anticipated by Godefroid et al. under 35 U.S.C. 102. As to the dependent claims 2-3, 8-10, 12-13, 18-20, 22-23 and 28-30, they each depend from one of independent claims 1, 11 and 21, and are respectfully believed to be patentable over Godefroid et al. for at least the same reasons.

B. The Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) in the rejection of dependent claims 4-7, 14-17, and 24-27~~4-7, 13-17 and 24-27~~ based on Godefroid.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). For reasons that should be clear from the above discussion with regard to the rejections under 35 U.S.C. 102, Appellants respectfully assert that Godefroid fails to disclose or suggest sensing of the number of instant messaging sessions of a remote user, conveying that number of remote instant messaging sessions to an awareness server process or to an awareness client application process, and/or presenting the number of instant messaging sessions of the remote user in a display of a local computer system, as in the present independent claims 1, 11 and 21, from which claims 4-7, 14-17, and 24-27~~4-7, 13-17 and 24-27~~ depend. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Appellants therefore assert that the dependent claims 4-7, 14-17, and 24-27~~4-7, 13-17 and 24-27~~ are also nonobvious over Godefroid at least based on the nonobviousness of independent claims 1, 11 and 21, from which they each depend.

The "screensaver" events described in Godefroid et al. do not disclose or suggest the features of dependent claims 4, 14 and 24:

In addition, Applicants further specifically traverse the Examiner's rejection of claims 4, 14, and 24, in which the Examiner states that the teachings of Godefroid et al. make obvious displaying an activity level associated with said at least one of said instant messaging sessions associated with said remote user *reflecting a time at which a most recent keystroke was entered by said user of said remote computer system in said at least one of said instant messaging sessions*. Applicants specifically disagree with the Examiner's assertion that the teachings of Godefroid et al. in lines 6-14 in column 5 with regard to detecting that a user has not used input devices for some time period (a screensaver "on" event), or that the user has touched an input device after a period of inactivity (a screensaver "off" event), indicate a *time at which a most recent keystroke was entered by said user of said remote computer system in said at least one of said instant messaging sessions*. Nothing in such screensaver "on" or "off" events described in Godefroid et al. would indicate even whether the user's actions were with regard to an instant messaging session, or to some other application or desk top operation. Accordingly, the screensaver status provided by Godefroid et al. may indicate generally how long since a user last used an input device on their computer system for some purpose, but does not specifically indicate a time *at which a most recent keystroke was entered by said user of said remote computer*

system in said at least one of said instant messaging sessions, as in the present independent claims 4, 14 and 24.

For the above reasons, Godefroid et al. does not disclose or suggest all the features of the present independent claims 1, 11, 21, from which claims 4-7, 14-17, and 24-27~~4-7, 13-17 and 24-27~~ depend. Godefroid et al. accordingly does not support a prima facie case of obviousness with regard to claims 1, 11 and 21 under 35 U.S.C. 103, and dependent claims 4-7, 14-17, and 24-27~~4-7, 13-17 and 24-27~~ are non-obvious over Godefroid et al. for at least the same reasons. Additionally, Applicants respectfully urge that the teachings of Godefroid et al. cited by the Examiner with regard to screensaver events specifically do not teach or suggest the express features of dependent claims 4, 14 and 24.

VIII. Conclusion

Appellants respectfully submit that the rejections of the present claims under 35 U.S.C. 102 and 103 are improper for at least the reasons set forth above. Appellants accordingly request that the rejections be withdrawn and the pending claims be allowed.

Respectfully submitted,

INTERNATIONAL BUSINESS MACHINES CORPORATION

By: /David Dagg/
David A. Dagg
Reg. No. 37,809
Attorney for Assignee

Date: March 31, 2008

David A. Dagg – Patent Attorney, P.C.
44 Chapin Road
Newton MA 02459
(617) 630-1131

Appendix A - Claims

1. (original) A method for providing a local computer user with detailed activity information regarding instant messaging sessions of remote users, comprising:

sensing, at a remote computer system, the number of instant messaging sessions associated with a user of said remote computer system;

conveying said number of instant messaging sessions associated with said user of said remote computer system from said remote computer system to an awareness server application process;

conveying said number of instant messaging sessions associated with said user of said remote computer system from said awareness server application to an awareness client application process executing on a local computer system; and

presenting, by said awareness client application process, said number of instant messaging sessions associated with said user of said remote computer system in a display for said local computer system.

2. (original) The method of claim 1, further comprising:

sensing, at said remote computer system, an activity level associated with at least one of said instant messaging sessions associated with said user of said remote computer system;

conveying said activity level associated with said at least one of said instant messaging sessions from said remote computer system to said awareness server application process; and

presenting, by said awareness client application process, said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system in said display for said local computer system.

3. (original) The method of claim 2, wherein said presenting said number of instant messaging sessions associated with said user of said remote computer system, and said presenting said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system, comprises:

presenting said number of instant messaging sessions associated with said remote user and said activity level associated with said at least one of said of instant messaging sessions associated with said remote user simultaneously in said display for said local computer system.

4. (original) The method of claim 3, wherein said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent keystroke was entered by said user of said remote computer system in said at least one of said instant messaging sessions.

5. (original) The method of claim 4, wherein said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent text message was received by said user of said remote computer system in said at least one of said instant messaging sessions.

6. (original) The method of claim 5, wherein said activity level associated with said at least one of said instant messaging sessions associated with said remote user further indicates a time at which said at least one of said instant messaging sessions was initiated.

7. (original) The method of claim 5, further comprising:

sensing, at said remote computer system, an identity of at least one other participant in at least one of said instant messaging sessions associated with said user of said remote computer system;

conveying said identity of said at least one other participant from said remote computer system to said awareness server application process; and

presenting, by said awareness client application process, said identity of said at least one other participant in said display for said local computer system.

8. (original) The method of claim 1, wherein said presenting said number of instant messaging sessions associated with said user of said remote computer system comprises presenting a modal dialog box in response to detection of a request by a user of said local computer system for an instant messaging session with said user of said remote computer system, wherein said modal dialog box provides an interface for said user of said local computer system to provide an indication of whether to terminate said request for said instant messaging session with said user of said remote computer system.

9. (original) The method of claim 1, further comprising:

presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to indicate whether a number of instant messaging sessions associated with said user of said local computer system is to be shared with other users.

10. (original) The method of claim 1, further comprising:

presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to specify one or more other users with which a number of instant messaging sessions associated with said user of said local computer system is to be shared.

11. (original) A system for providing a local computer user with detailed activity information regarding instant messaging sessions of remote users, comprising:

means for sensing, at a remote computer system, the number of instant messaging sessions associated with a user of said remote computer system;

means for conveying said number of instant messaging sessions associated with said user of said remote computer system from said remote computer system to an awareness server application process;

means for conveying said number of instant messaging sessions associated with said user of said remote computer system from said awareness server application to an awareness client application process executing on a local computer system; and

means for presenting, by said awareness client application process, said number of instant messaging sessions associated with said user of said remote computer system in a display for said local computer system.

12. (original) The system of claim 11, further comprising:

means for sensing, at said remote computer system, an activity level associated with at least one of said instant messaging sessions associated with said user of said remote computer system;

means for conveying said activity level associated with said at least one of said instant messaging sessions from said remote computer system to said awareness server application process; and

means for presenting, by said awareness client application process, said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system in said display for said local computer system.

13. (previously presented) The system of claim 12, wherein said means for presenting said number of instant messaging sessions associated with said user of said remote computer system, and said means for presenting said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system, comprises:

means for presenting said number of instant messaging sessions associated with said remote user and said activity level associated with said at least one of said of instant

messaging sessions associated with said remote user simultaneously in said display for said local computer system.

14. (original) The system of claim 13, wherein said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent keystroke was entered by said user of said remote computer system in said at least one of said instant messaging sessions.

15. (original) The system of claim 14, wherein said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent text message was received by said user of said remote computer system in said at least one of said instant messaging sessions.

16. (original) The system of claim 15, wherein said activity level associated with said at least one of said instant messaging sessions associated with said remote user further indicates a time at which said at least one of said instant messaging sessions was initiated.

17. (original) The system of claim 13, further comprising:

means for sensing, at said remote computer system, an identity of at least one other participant in at least one of said instant messaging sessions associated with said user of said remote computer system;

means for conveying said identity of said at least one other participant from said remote computer system to said awareness server application process; and

means for presenting, by said awareness client application process, said identity of said at least one other participant in said display for said local computer system.

18. (original) The system of claim 11, wherein said means for presenting said number of instant messaging sessions associated with said user of said remote computer system comprises means for presenting a modal dialog box in response to detection of a request by a user of said local computer system for an instant messaging session with said user of said remote computer system, wherein said modal dialog box provides an interface for said user of said local computer system to provide an indication of whether to terminate said request for said instant messaging session with said user of said remote computer system.

19. (original) The system of claim 11, further comprising:

means for presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to indicate whether a number of instant messaging sessions associated with said user of said local computer system is to be shared with other users.

20. (original) The system of claim 11, further comprising:

means for presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to specify one or more other users with which a number of instant messaging sessions associated with said user of said local computer system is to be shared.

21. (original) A computer program product, wherein said computer program product includes a computer readable medium, said computer readable medium having a computer program for providing a local computer user with detailed activity information regarding instant messaging sessions of remote users, said computer program comprising:

program code for sensing, at a remote computer system, the number of instant messaging sessions associated with a user of said remote computer system;

program code for conveying said number of instant messaging sessions associated with said user of said remote computer system from said remote computer system to an awareness server application process;

program code for conveying said number of instant messaging sessions associated with said user of said remote computer system from said awareness server application to an awareness client application process executing on a local computer system; and

program code for presenting, by said awareness client application process, said number of instant messaging sessions associated with said user of said remote computer system in a display for said local computer system.

22. (original) The computer program product of claim 21, said computer program further comprising:

program code for sensing, at said remote computer system, an activity level associated with at least one of said instant messaging sessions associated with said user of said remote computer system;

program code for conveying said activity level associated with said at least one of said instant messaging sessions from said remote computer system to said awareness server application process; and

program code for presenting, by said awareness client application process, said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system in said display for said local computer system.

23. (previously presented) The computer program product of claim 22, wherein said program code for presenting said number of instant messaging sessions associated with said user of said remote computer system, and said program code for presenting said activity level associated with said at least one of said instant messaging sessions associated with said user of said remote computer system, comprises:

program code for presenting said number of instant messaging sessions associated with said remote user and said activity level associated with said at least one of said of instant messaging sessions associated with said remote user simultaneously in said display for said local computer system.

24. (original) The computer program product of claim 22, wherein said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent keystroke was entered by said user of said remote computer system in said at least one of said instant messaging sessions.

25. (original) The computer program product of claim 24, wherein said activity level associated with said at least one of said instant messaging sessions associated with said remote user reflects a time at which a most recent text message was received by said user of said remote computer system in said at least one of said instant messaging sessions.

26. (original) The computer program product of claim 25, wherein said activity level associated with said at least one of said instant messaging sessions associated with said remote user further indicates a time at which said at least one of said instant messaging sessions was initiated.

27. (original) The computer program product of claim 24, further comprising:

program code for sensing, at said remote computer system, an identity of at least one other participant in at least one of said instant messaging sessions associated with said user of said remote computer system;

program code for conveying said identity of said at least one other participant from said remote computer system to said awareness server application process; and

program code for presenting, by said awareness client application process, said identity of said at least one other participant in said display for said local computer system.

28. (original) The computer program product of claim 21, wherein said program code for presenting said number of instant messaging sessions associated with said user of said remote computer system comprises program code for presenting a modal dialog box in

response to detection of a request by a user of said local computer system for an instant messaging session with said user of said remote computer system, wherein said modal dialog box provides an interface for said user of said local computer system to provide an indication of whether to terminate said request for said instant messaging session with said user of said remote computer system.

29. (original) The computer program product of claim 21, said computer program further comprising:

program code for presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to indicate whether a number of instant messaging sessions associated with said user of said local computer system is to be shared with other users.

30. (original) The computer program product of claim 21, said computer program further comprising:

program code for presenting an interface to said user of said local computer system, wherein said interface enables said user of said local computer system to specify one or more other users with which a number of instant messaging sessions associated with said user of said local computer system is to be shared.

31. (original) A system for providing a local computer user with detailed activity information regarding instant messaging sessions of remote users, comprising:

program code, stored in a program memory communicably coupled to at least one processor in a remote computer system, operable to sense the number of instant messaging sessions associated with a user of said remote computer system;

program code, stored in said program memory communicably coupled to said at least one processor in said remote computer system, operable to convey said number of instant messaging sessions associated with said user of said remote computer system from said remote computer system to an awareness server application process;

program code, stored in a program memory communicably coupled to at least one processor in an awareness server computer system, operable to convey said number of instant messaging sessions associated with said user of said remote computer system from said awareness server application to an awareness client application process executing on a local computer system; and

program code, stored in a program memory communicably coupled to at least one processor in said local computer system, operable to present, by said awareness client application process, said number of instant messaging sessions associated with said user of said remote computer system in a display for said local computer system.

32. (canceled)

Appendix B - Evidence Submitted

None.

Appendix C - Related Proceedings

None.